

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Axon Enterprise, Inc. Law Office: 121
Serial No.: 90/059,343 Examining Attorney: Courtney Caliendo
Filing Date: July 17, 2020
Title: ARC

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Commissioner:

RESPONSE TO OFFICE ACTION

Applicant hereby timely responds to the Office Action dated November 4, 2020, in the above-identified application. Applicant respectfully requests consideration of the following Remarks, which are made in support of Applicant’s request for registration on the Principal Register of its mark ARC, Application Serial No. 90/059,343 (“Applicant’s Mark”).

REMARKS

The Examining Attorney has preliminarily rejected the above-referenced trademark application on the following grounds:

- I. Partial Section 2(d) Refusal – Likelihood of Confusion
- II. Identification of Goods – Amendment Required

I. Likelihood of Confusion

The Examining Attorney has preliminarily refused registration for Applicant’s Mark based on a likelihood of confusion with U.S. Registration Nos. 4522443, 4800027, and 4690350.

Legal Standard for Likelihood of Confusion

A likelihood of confusion between two marks at the USPTO is determined by a review of all the relevant factors under the *DuPont* test. *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1367, 177 USPQ 563 (CCPA 1973). The two key considerations in ex parte likelihood of confusion analysis are the similarity of the marks and the similarity of the goods or services. *See Federated Goods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24 (CCPA 1976). The test of likelihood of confusion is not whether the marks can be distinguished when subject to a side-by-side comparison, but whether the marks are sufficiently similar that there is a likelihood of

confusion as to the source of the goods or services. See *Midwestern Pet Foods, Inc. v. Societe Des Produits Nestle S.A.*, 685 F.3d 1046, 1053 (Fed. Cir. 2012). When comparing the marks, “[a]ll relevant facts pertaining to appearance, sound, and connotation must be considered before similarity as to one or more of those factors may be sufficient to support a finding that the marks are similar or dissimilar.” *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329 (Fed. Cir. 2000). In evaluating the similarities between marks, the emphasis must be on the recollection of the average purchase who normally retains a general, rather than specific, impression of trademarks. See, e.g., *In re Cynosure, Inc.*, 90 U.S.P.Q.2d 1644, 1645 (TTAB 2009) (citing *Sealed Air Corp. v. Scott Paper Co.*, 190 U.S.P.Q. 106, 108 (TTAB 1975)).

Even where two marks are *identical*, courts and the TTAB routinely hold that there is no likelihood of confusion “if the goods in question are not related in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source.” TMEP § 1207.1(a)(i) (citing *Local Trademarks, Inc. v. Handy Boys, Inc.*, 16 U.S.P.Q.2d 1156 (T.T.A.B. 1990) (LITTLE PLUMBER for drain opener confusingly similar to LITTLE PLUMBER and Design for advertising services for plumbers). The Board has also held that differences in the functions or purpose of products or services may prevent likelihood of confusion. *Aries Systems Corp. v. World Book, Inc.*, 26 U.S.P.Q.2d 1926, * 21 (T.T.A.B. 1993).

Determining the similarity of goods and services is ultimately based on common sense and common experience. *ITT Corp v. XTRA Corp.*, 225 U.S.P.Q. 723, 732 (D. Mass 1985). Because businesses, especially in the field of software, often provide highly specialized services, it is difficult to draw broad inferences about the respective offerings of two companies and conclude that these offerings might be offered to the same consumers. Indeed, “[t]he Board... has found no likelihood of confusion even with respect to identical marks applied to goods and or services used in a common industry where such goods and or services are clearly different from each other and there is insufficient evidence to establish a reasonable basis for assuming that the respective goods as described by their marks, would be encountered by the same purchasers.” *Borg-Warner Chem., Inc. v. Helen Chem. Co.*, 225 U.S.P.Q. 222, 224 (TTAB 1983). Also, a likelihood of confusion does not exist between two marks merely because the respective goods or services are sold within the same broad market. See, e.g., *In re Mars, Inc.*, 741 F.2d 395 (Fed. Cir. 1984) (use of CANYON for candy bars not likely to cause confusion with registered mark CANYON for citrus fruit); see also *Homeowner’s Group, Inc. v. Home Marketing Specialists, Inc.*, 18 U.S.P.Q.2d 1587, 1594 (6th Cir. 1991) (no likelihood of confusion between marketing and advertising support services for real estate brokers under HMS and providing real estate brokerage services under HMS HOME MARKETING SPECIALISTS). Even marks which are used in the same industry, for goods or services sold to the same consumer may not create a likelihood of confusion because the consumers purchasing the respective goods and services may engage in a distinct purchasing process. See *Electronic Design & Sales, Inc. v. Electronic Data Systems Corp.*, 954 F.2d 713 (Fed. Cir. 1992) (no likelihood of confusion even though Plaintiff sold E.D.S. computer services and defendant sold EDS power supplies and battery chargers, in some instances to the same hospital, because the purchases were made by different departments within the hospital).

Although the Examining Attorney maintains that the cited marks are similar, there are clear differences between Applicant’s Mark and each of the cited registrations, particularly, the respective businesses and the services provided under each cited mark. There is no evidence in the record other than the parties’ respective identification of services. Applicant respectfully asserts that the Office has not carried its burden of establishing a likelihood of confusion in this case.

Applicant's Business

Applicant is a leading provider of services, technology, and solutions for law enforcement, public safety officials, first responders, private security, the military, and related professions and consumers. Applicant develops transforming technology with the clear goals to Protect Life, Preserve Truth, and Accelerate Justice. As part of Applicant's commitment to providing transformative technology, Applicant provides a suite of goods and services including, *inter alia*, energy weapons, video cameras, equipment, and software.

Applicant provides energy weapons and related accessories and services under its world-famous TASER trademark. TASER was also included in Applicant's company name (i.e., TASER International, Inc.) until Applicant changed its name in 2018 to Axon Enterprise, Inc.

Applicant's video cameras include cameras that can be worn (e.g., body-worn cameras) and/or mounted on vehicles, including drones and other human-operated vehicles. The video cameras come equipped with the ability to connect with and interact with energy weapons, signaling devices, mobile phones, and other electronic devices. The captured video and audio data are initially stored in the video camera and can be transferred using proprietary smartphone apps and software-as-a-service software across a data network. The video cameras feature geo-spatial tagging and the ability to communicate with weapons systems and other nearby recording systems to ensure seamless recording during an incident. Applicant's video cameras are part of a larger data management ecosystem of smartphone software and cloud-based computer software that allows for secure storage of sensitive data, management within an organization, and sharing with relevant groups.

Applicant's software offerings include downloadable software, non-downloadable software, and software-as-a-service (SaaS), mobile applications, application programming interfaces (APIs), software development kits (SDKs), and other integrated software offerings. Some of Applicant's provided software include database, records, and file management systems; evidence management systems; dynamic and automatic reporting systems; computer-aided dispatch solutions; real-time communications and situational awareness software; video-capture and live streaming software; device management software, agency performance software, and professional standards software; and many other similar offerings.

In some instances and use cases, Applicant's products and services are designed to allow a public safety consumer to diffuse potentially violent situations and promote compliance by persons who may act differently outside the presence of Applicant's products. The video cameras and software systems are further intended to allow users the convenience of using a small, compact camera to gather evidence during in-field conflicts and prevent later assertions of impropriety by third parties.

As a natural extension of Applicant's goods and services being uniquely marketed to law enforcement, public safety officials, first responders, private security, the military, and related professions and consumers, Applicant's goods and services are sought in a commercial channel having highly-sophisticated purchasing consumers. For example, many of Applicant's goods and services are purchased for use by an entire organization (such as a law enforcement agency) and are typically subject to many layers of evaluation by a potential consumer. These large organizations and agencies typically plan and budget for Applicant's goods and services, often making high-dollar purchases of hundreds or thousands of products. In some instances, Applicant's customers rely on a sole source justification process when purchasing Applicant's products and services.

In the present trademark application, Applicant has included the following services in class 38:

Communication and telecommunication services, namely, electronic transmission and retrieval of data, images, audio, video and documents, including text, messages, and electronic mail, over local or global communications networks, including the internet, intranets, extranets, mobile communication, cellular and satellite networks; communications by computer terminals; communication between computer terminals; delivery of data by telecommunications; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; delivery of messages by electronic transmission; electronic transmission of audio and video files via communication networks.

Likelihood of Confusion with Registration No. 4,522,443

Applicant's Mark is different from Registration No. 4,522,443 (the "Arcstar Universal One Mark") in sight, sound, and commercial impression. The Arcstar Universal One Mark has several additional, dissimilar elements. First, the component "ARCSTAR" includes the additional element "STAR", which Applicant's Mark lacks. The "STAR" component alone changes the sight, sound, and meaning of the Arcstar Universal One Mark. In addition, the Arcstar Universal One Mark includes the phrase "UNIVERSAL ONE", which Applicant's Mark also lacks. Due to all of the additional elements, an inherent difference exists in the pronunciation of Applicant's Mark and the Arcstar Universal One Mark, which results in the marks being phonetically dissimilar. For example, the element "ARCSTAR" contains an additional syllable over "ARC", and "UNIVERSAL ONE" adds further syllables and incorporates words which change the commercial impression of the mark overall. Specifically, these elements appear to indicate that the underlying services (e.g., providing access to telecommunications networks and communications via multinational telecommunication networks) are delivered over existing IP infrastructure over a single dedicated app (e.g., a **universal** app), thereby avoiding the need for multiple IP addresses created by the ARCSTAR UNIVERSAL ONE network and a client's existing addresses. The functions are more specifically described at the registrant's website: <https://www.ntt.com/en/services/network/virtual-private-network.html> (last accessed April 19, 2021). Accordingly, Applicant's Mark is not visually or phonetically similar to the Arcstar Universal One Mark.

Additionally, the services reflected in the description for the Arcstar Universal One Mark do not contain any references to data management systems activated and managed through electronic communications or any services which are offered to public safety. These are specific consumer groups and usage applications which are distinct from those targeted by the registrant, which appear to be large, multinational companies who use the registrant's services for purposes of creating a unified computing network. *See Attachment 1* ("Extend your VPN with high-quality global network services offering coverage in over 190 countries/regions").

Thus, Applicant's intended services cannot be considered related to services referenced in the Arcstar Universal One Mark. For at least that reason, Applicant respectfully asserts that there is no likelihood of confusion between the Arcstar Universal One Mark and the Applicant's Mark.

Likelihood of Confusion with Registration 4,800,027

Applicant's ARC mark differs in at least visual appearance and sound from Registration 4,800,027 (the "ARC INFORMATION SYSTEMS Mark"). Applicant's Mark lacks the phrase "Information Systems". This phrase serves to distinguish the cited mark both in its sight and sound from Applicant's Mark. In comparing the marks, the Examining Attorney finds that consumers will focus on the "ARC" component of each mark because the word "ARC" appears first in each of the marks. However, "[t]he basic principle in determining confusion between marks is that marks must be compared *in their entirety*... it follows from that principle that likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark. *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (emphasis added). Here, no apparent consideration is given to the effect of adding the phrase "INFORMATION SYSTEMS." The specimen filed with the statement of use for the cited mark provides helpful context – it is a screenshot of the Registrant's record information system, clearly establishing that ARC is modified by the phrase "Information Systems". The importance of the full phrase therefore cannot reasonably be discounted or disregarded in this context.

Applicant's services offered under Applicant's Mark are different from those listed under the ARC INFORMATION SYSTEMS Mark. The description of services for Applicant's Mark includes items which are largely connected with information management systems operated through electronic communications, and used in the field of public safety. Conversely, the description of services for the ARC INFORMATION SYSTEMS Mark does not include information management in the fields of public safety. Indeed, the class 38 description for the ARC INFORMATION SYSTEMS Mark is specifically limited to exchange of "medical records across a nationwide health information network". A review of the registrant's website confirms the highly specialized nature of the services marketed under the ARC INFORMATION SYSTEMS Mark. According to the registrant's website, "ARCIS is a powerful Practice Management and Electronic Health Record system built by REIs and software specialists specifically for fertility clinics." Screenshots from the registrant's website are enclosed as *Attachment 1*. The registrant's website makes clear that its services are offered exclusively to healthcare providers, specifically fertility clinics. These are highly-specialized consumer groups which are distinct from the sophisticated customers Applicant markets to, as detailed above.

Thus, Applicant's intended services cannot be considered related to the services referenced in the ARC INFORMATION SYSTEMS Mark. For at least that reason, Applicant respectfully asserts that there is no likelihood of confusion between the ARC INFORMATION SYSTEMS Mark and the Applicant's Mark.

Likelihood of Confusion with Registration 4,690,350 ('350)

Applicant's Mark is different from Registration 4,690,350 (the "Q-ARC Mark") in at least sight, sound, and commercial impression. As argued above, an examination of a mark for likelihood of confusion purposes must consider the entirety of the mark. *In re Nat'l Data Corp.*, 753 F.2d 1058. Here, the component "Q-" at the beginning of the Q-ARC Mark changes both the appearance and the sound of the mark from Applicant's Mark. "Q-" is not a standard suffix in the English language, and it does not appear to have any meaning independent of the mark in the '350 registration. Conversely, Applicant's mark does not contain any element that is similar to "Q-".

Moreover, a review of the registrant's website¹ and the specimen filed by the registrant as part of a recent declaration of use indicates that the "Q-" component pertains to the word "quality", which is a distinct commercial impression from that created by Applicant's Mark. The importance of the "Q-" prefix is likewise underscored through the registrant's use of the "Q-" prefix in at least twelve other software offerings.² Indeed, through the use of this common and repeated prefix, a consumer would understand that the registrant's software is clearly intended for quality control systems. Accordingly, the Q-ARC Mark is visually and phonetically distinct from the Applicant's Mark.

Additionally, the services reflected in the description for the Q-ARC Mark do not contain any references to data management systems operated through electronic communications, or which are used in the fields of public safety. Instead, the description of services appears to encompass services exclusively pertaining to providing users with access to computer programs in data networks. Registrant's website confirms this scope and focus of services. *See Attachment 2*. Thus, far from performing specific operations as part of a specially-developed software program designed to process and store data, registrant's services are marketed more as solutions for monitoring and ensuring quality control. This is substantially different from business services offered as part of Applicant's specialized software platform.

Accordingly, Applicant's intended services cannot be considered related to services referenced in the Q-ARC Mark. Applicant respectfully asserts that there is no likelihood of confusion between the Q-ARC Mark and the Applicant's Mark.

Conclusion

In summary, consumers are unlikely to confuse Applicant's intended use of ARC with any of the cited registrations, given the differences between the parties' goods, the unique way in which Applicant sells its goods to its customers, and the differences between the parties' classes of purchasers and channels of trade. Applicant therefore respectfully requests that the Examining Attorney approve Applicant's application for publication without formally citing Registration Nos. 4522443, 4800027, and 4690350.

II. Description of Services

The Examining Attorney concludes that the description of goods is indefinite and must be clarified. Specifically, the Examining Attorney requested Applicant to specify the common commercial or generic name for the goods. Applicant hereby proposes the following amended description of goods:

International Class 38: Communication and telecommunication services, namely, electronic transmission of data, images, audio, video and documents, including text, messages, and electronic mail, over local or global communications networks, including the internet, intranets, extranets, mobile communication, cellular and satellite networks; communications by computer terminals; Communication and telecommunication services, namely, communication by electronic computer terminals and data communication by electronic mail, namely, receipt of data, images, audio, video and documents, including text, messages, and

¹ See <https://www.q-das.com/en/products> (last accessed April 27, 2021).

² See <https://www.q-das.com/en/products/software> (last accessed April 27, 2021).

electronic mail, the foregoing services provided over local or global communications networks, including the internet, intranets, extranets, mobile communication, cellular and satellite networks; communications by computer terminals; communication by computer terminals, namely, communication between computer terminals; delivery of data by telecommunications via wireless communication networks; electronic transmission and streaming of digital media content, namely, downloadable audio and video files, via computer and other communications networks, namely, by global and local computer networks; delivery of messages by electronic transmission; wireless electronic transmission of audio and video files via communication networks.

CONCLUSION

Applicant respectfully requests that the initial rejection be withdrawn and that the application be passed on to publication on the Principal Register. If the Examining Attorney has any further questions or believes that a telephone conversation might be productive, the Applicant is ready to discuss these matters at the convenience of the Examining Attorney. Thank you for your consideration of these matters.

Respectfully Submitted,

Justin Clark

Justin Clark, Esq.

J. Clark Law Firm, PLLC

ATTACHMENT 1



Virtual Private Network

Enterprise Private Network

Extend your VPN with high-quality global network services offering coverage in over 190 countries/regions.

Converged

Connect anything, anywhere, anytime through our innovative enterprise network solutions.

Secure

Increase enterprise network security and improve compliance with cost effective, easy to manage cloud-based network services.



Benefits

Global

Quality Driven

Innovative

NTTCom's global VPN provides a one-stop shop for enterprise network services in over 190 countries/regions. Thanks to close partnerships with service providers worldwide, we can maintain high service quality worldwide, helping you stay connected around the globe.

Features and Specifications

Global MPLS

Internet VPN

LAN management

Arcstar Universal One Virtual

Arcstar Universal One Virtual is a flexible overlay VPN for enterprise users, delivering rapid network connectivity at low-cost. The service is provisioned instantaneously through a web-based portal.

Flexible

No network setting changes. The Arcstar Universal One Virtual overlay network is applied to existing settings to avoid overlapping IP addresses between each location. Connect to enterprise networks directly from your mobile device or PC. Arcstar Universal One Virtual uses a dedicated app, eliminating the need for special carrier devices and gateways. Windows, iOS and Android mobile devices supported.

Fast

When using our adapter, simply connect it to the internet router at your site. For mobile devices, install the application on your own devices and promptly access enterprise networks or the cloud. Simple, 24/7 management access through a web-based portal.

Low-cost

A flexible low-cost solution that fits your budget.

Service Coverage

	Application	Adapter
APAC		
Japan	Available	Available
Hong Kong	Available	Available
Singapore	Available	Available
Philippines	Available	Available
Thailand	Available	Available
Vietnam	Available	Not Available
Taiwan	Available	Available
Australia	Available	Not Available
Korea	Available	Not Available
India	Available	Not Available
Malaysia	Available	Not Available
Indonesia	Available	Not Available
EMEA		
England	Available	Available
Germany	Available	Available
Netherlands	Available	Available
Switzerland	Available	Available
Belgium	Available	Available
Italia	Available	Available
Spain	Available	Available
Sweden	Available	Available

Poland	Available	Available
Turkey	Available	Not Available
South Africa	Available	Not Available
Americas		
USA	Available	Available
Canada	Available	Available
Mexico	Available	Not Available
Brazil	Available	Not Available

Related Resources



Hitachi, Ltd.: Integrated network maximizes Hitachi's total strengths
Collaboration accelerated among 300,000 employees in 30 countries.



Gartner: NTT Communications Positioned as a "Leader" in Gartner 2017
Magic Quadrant



NTT Com Arcstar Universal One Portal Demo - NFV-enabled Cloud-based
Network Services

How to Use Arcstar Universal One Virtual

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ASICS Corporation

Connecting worldwide offices with a single, global ERP system and advanced high-speed networking. Realizing a network infrastructure in the era of hybrid clouds.

Service: Arcstar Universal One Multi-Cloud Connect



Yuichi Honma
Executive Officer
Senior General Manager
Global IT Division
ASICS Corporation
"A reliable and secure network was essential for us to accelerate global business."



Motoji Nakanishi
Manager
Global Infrastructure Team
Global IT Division
ASICS Corporation
"We greatly appreciate the ability to adjust the network environment to suit our priorities, systems, and service options."

Customer profile

Name: ASICS Corporation
Revenue: JPY 399,107 million (as of December, 2016)
Business: ASICS Corporation is a comprehensive sports gear manufacturer offering a broad range of athletic and lifestyle goods including shoes and clothes. Since 2014, over 70 percent of sales have been overseas, and ASICS has gained a reputation as one of Japan's leading global companies.
URL: www.asics.com

- Challenges**
 - Roll-out of a single global ERP system required a reliable and secure network infrastructure.
 - Preventing business delays and ensuring fast time to market with low-latency global communication and network flexibility.
- Solutions**
 - NTT Com's Arcstar Universal One provides a hub connecting ERP and cloud environments.
 - IPSEC VPN gateways and an advanced WAN infrastructure deliver a flexible network environment and high-speed communication.
- Benefits**
 - Fast, secure network connectivity supports real-time ERP-based business decision making for offices anywhere in the world.
 - Advanced network functions virtualization (NFV) technology provides flexibility when responding to future changes.

Challenges

Integrate core ERP systems operating worldwide.
Build a highly reliable global network.

ASICS Corporation is a leading designer and manufacturer of running shoes and other athletic footwear, apparel, and accessories. The company provides a variety of products and services in three major market domains — athletics, sports lifestyles, and comfortable healthcare — and has offices in over 50 countries and regions.

Overseas sales now account for nearly 80% of ASICS total sales. "We have about 40 subsidiaries and continue to add a couple of companies every year," said Yuichi Honma, Senior General Manager of the Global IT Department at ASICS. "But there are still many countries and regions where we don't have offices, so we need to be ready to expand our operations."

The company's mid-term management plan, ASICS Growth Plan (AGP) 2020, focuses on enhancing direct sales via e-commerce and wholesale stores. This is a change from the company's traditional emphasis on retail outlets. "For direct sales, we need to meet market demand more rapidly and accurately. We need to know the manufacturing and financial status at each office on a real-time basis. So, we have integrated core systems in each area into a single ERP system that is used globally," said Mr. Honma.

Achieving a single integrated ERP system on a worldwide scale meant revisiting the requirements of the global network connecting ASICS operational offices. The existing communications infrastructure was mainly used for teleconferencing traffic. For real-time ERP business management data, the network had to be more secure and support much higher data throughput. "We had essential requirements for transmission speed, bandwidth, reliability, and stability," said Motoji Nakanishi, manager of the global infrastructure team at ASICS. "The network also had to be flexible so we could add or change connections to operational offices in the future."

Solutions

Cloud-based collaboration and a finely adjustable environment.
Thorough evaluation of advanced networking technology.

The existing ASICS global network was based on Arcstar Universal One, a VPN service provided by NTT Communications (NTT Com). "We could have continued using the service at that time, but chose to carefully examine other carriers and vendors to see what services were available," said Mr. Nakanishi. "After a comprehensive examination of the communication quality and coverage of other services, we came to firmly believe that Arcstar Universal One was the best choice."

Arcstar Universal One offered ASICS three major advantages. The first was flexibility. "NTT Communications carefully supported our requests, such as for ample communication speed, security, and cost savings," said Mr. Nakanishi. "They provided guaranteed service with redundant communication lines for sales companies that directly contact customers and cannot tolerate an interruption to business operations. For manufacturing plants with less demanding networking requirements they supplied best-effort services that reduced networking fees. NTT Communications responded to each and every one of our requests."

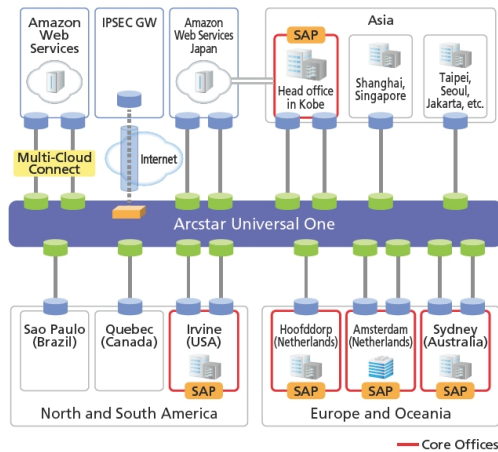
The second advantage ASICS enjoyed was NTT Com's Multi-Cloud Connect, an optional service for closed network connections between Arcstar Universal One and third-party cloud environments. Previously, operational offices used their own VPNs to connect to cloud service providers. Multi-Cloud Connect enabled offices to connect directly to providers without a VPN. This simplified management and reduced the network total cost of ownership (TCO).

Finally, NTT Com's advanced networking technology and support for network functions virtualization (NFV) offered high-speed business communications over the WAN. "Since our new ERP will be located in the Netherlands, some latency prevention measures were required for access from Asia and Oceania," said Mr. Honma. "A high-speed WAN using NFV technology improved network performance. Through our partnership with NTT Communications we have gained access to advanced technologies and solutions that we believe can create an optimized environment for the future."

Benefits

Network flexibility realized by NFV.
A business communication environment ready for tomorrow.

Figure: ASICS's global network environments



Arcstar Universal One works as a hub connecting regional offices and public/private cloud environments

ASICS has already started renewing its global network. It improved latency and bandwidth at its sales office in Australia and has begun rolling out changes throughout North and South America.

Offices that use information systems accessing Amazon Web Services (AWS) have started using Multi-Cloud Connect. This has eliminated the need for VPNs, and is easing management and lowering costs. "We also use other cloud services such as Google Cloud Platform and Microsoft Azure, and will connect to them through Multi-Cloud Connect in the next phase," Mr. Honma added.

Multi-Cloud Connect operations are coordinated by NTT Com global service manager, which monitors and reports on global data traffic. Determining whether the network environment in each operational office should be accelerated or decelerated requires expert knowledge of the network, and this task is being performed with advice from experienced NTT Com personnel.

ASICS continues to optimize its network with NFV technology. The high-speed WAN has been tested at offices in Australia and is ready for commercial use. An IPSEC VPN gateway is also under consideration. The gateway would enable ASICS to quickly deploy secure communication environments. They anticipate launching networks for new operational offices in one third of the time previously taken.

"With NTT Communications we enjoy one-stop service for all our requests," said Mr. Honma. "We greatly appreciate it and hope they remain our reliable partner for a long time to come."

NTT Communications Corporation

Website www.ntt.com

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Mizkan Holdings Co., Ltd.

Global IT environment created with a hybrid cloud just six months after acquiring the global brand
Service : Enterprise Cloud / Arcstar Universal One

Challenges

- Build an applications supporting infrastructure, including SAP, for the US acquisition
- Create an entire IT environment, including core system, network and IT support desk

Solution

- Leverage hybrid cloud infrastructure, combining cloud and colocation for servers
- Outsourced network, security, and help desk to NTT Com

Benefits

- Rapid transition- Built IT infrastructure, transferred data and renewed system just 6 months after acquisition
- Flexible- New IT infrastructure is ready to quickly expand and support future global initiatives



Mizkan Holdings Co., Ltd.

Senior Corporate Officer
Mr. Shinji Mizo

"We are targeting Asia as the next step of our global business expansion, so it has been crucial for us to find a partner capable of providing total support."

Mizkan Partners Co., Ltd.

Manager
Information Technology Department Business Management Division
Mr. Hiroshi Masuda

"Building IT infrastructure overseas multiplies the problems. Having a partner that can participate in the total problem-solving process is an invaluable asset."

Manager
Information Technology Department Business Management Division
Mr. Toshio Takeshima

"We deployed NTT Com's help desk solution in UK to provide IT support for our European business units and thereby realize stronger governance. For standardization, we intend to deploy the same solution in our U.S. and Japanese offices."

Challenges

ATTACHMENT 2



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Power Your IVF Practice with ARCIS® Technology By REIs. For REIs.



To schedule a demo,
please call 408-647-
9806.

ARCIS is a powerful Practice Management and Electronic Health Record system built by REIs and software specialists specifically for fertility clinics. ARCIS is proven to simplify and improve your workflow to deliver the very best care while optimizing your financial results.

ARCIS gives you and your practice a comprehensive, integrated suite of benefits:

Electronic Health Record

- **Dashboards, Flowsheets, Cycle Monitoring, Graphs and Calendars:** Simplify clinic and business
- **Electronic Orders for Lab, Prescriptions and Radiology:** Save time and reduce errors
- **Laboratory Information System (LIS):** Built for ART laboratories
- **Regulatory Reports:** Automate and control compliance with FDA, HIPAA, CCHIT, ONC and SART
- **Ultrasound and Laboratory Test Analyzer Interfaces:** Save time and simplify clinical care
- **Automatic Embryo, Eggs and Sperm, Fresh and Cryo preserved, Storage/Inventory Tracking and Billing:** Increase revenues and reduce risk

Revenue
Benefits

Clinical
Management

Art Lab &
Cryoinventory

Patient
Engagement

Customer
Service

[Request a Demo](#)

One comprehensive system to advance clinic, lab, provider referrals, surgery center, patient engagement, compliance and business operations to power your IVF practice. ARC created ARCIS with AntWorks, experts in developing EHRs since 1978, to give IVF clinicians a flexible, turn-key solution for all their information technology needs.

ARC Information Systems
20195 Stevens Creek
Boulevard, Suite 100
Cupertino, CA 95014

Phone: 1-408-647-9806



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ATTACHMENT 3

Q-DAS SOFTWARE LICENCES¹

STATISTICAL SOFTWARE	SINGLE LICENCE ²		PLANT LICENCE	
	LICENCE FEE	MAINTENANCE FEE P.A.	LICENCE FEE	MAINTENANCE FEE P.A.
solara.MP Gauge capability analysis	Prices removed			
procella Process control				
qs-STAT Process qualification				
vidara Test planning				
destra Statistical package				
O-QIS ³ Operator Quality Information System (IF M included)				
M-QIS ³ Engine Management Quality Information System	Prices removed			
M-QIS ³ Dashboard M-QIS Engine required				
Q-EMPB Initial sample report			Prices removed	

OPTIONAL LICENCES

OPTIONAL	SINGLE LICENCE ²		PLANT LICENCE	
	LICENCE FEE	MAINTENANCE FEE P.A.	LICENCE FEE	MAINTENANCE FEE P.A.
SAP STI ³ Interface to SAP R/3 QM via STI qs-STAT required Additional plant	Prices removed			
SAP IDI ³ Interface to SAP R/3 QM via IDI procella or O-QIS required	Price removed		Prices removed	
Q-FD Form and mask designer				
Q-ARC ³ Archiving M-QIS Engine required				
Q-WFL ³ Workflows and Document Management				
Additional language				
Interface package IF M Multiplexers				
Interface package IF I/O ³ IF M required	Prices removed			
3D CAD Viewer				
Q-DM Data management				
Q-WEB qs-STAT web service				
Q-WEB solara.MP web service				
Q-WEB O-QIS web service				
Q-WEB M-QIS web service				



HxGN SMART QUALITY³

HxGN SMART QUALITY PACKAGES		PACKAGE LICENCES			
		LICENCE FEE		MAINTENANCE FEE P.A.	
Foundation Pack ⁵		Prices removed			
Web User Bundle ⁶					
Core					
Factory ⁷					
HxGN SMART Quality Connectivity Solutions ³		SINGLE LICENCE ⁴		PLANT LICENCE	
		LICENCE FEE	MAINTENANCE FEE P.A.	LICENCE FEE	MAINTENANCE FEE P.A.
Inspect		Prices removed			
ID Reader					
HxGN SMART Quality Connectivity Statistics ³					
ProductView		Prices removed			
HxGN SMART Quality Resource Management ³					
PlantView		Prices removed			
ProClient					
EnvironmentView					

EMMA ANNUAL LICENSES

EMMA SOFTWARE MODULES		ANNUAL LICENSES						
eMMA Base Package (Single)		\$14,000.00						
Number of Licenses	1-10 (price per license)	11-49 (price per license)	50 Pack	100 Pack	150 Pack	200 Pack	No Limit	
Planner	Prices removed							
Illustrator								
PDF Analyst								
Analyst								
Statistic								
Inspector								
Reporter								
Standalone Products (price per license per year)	1-5	6-10	11-50	51+				
Analyst	Prices removed							
Inspector								
Additional Modules								
PDM MODULE – MDM Teamcenter SOA Interface	Prices removed							
PDM MODULE – eMMA DX								
PDM MODULE – DIN Vaulting Server								
INTERFACE MODULE – eMMA Data Collector								
INTERFACE MODULE – eMMA Online Monitoring								
INTERFACE MODULE – I++ DMS Online Web Service								
INTERFACE MODULE – eMMA Q-Web								



SERVICES

SERVICES	
System integration Workshop / service on-site including installation / implementation / configuration of Q-DAS software (plus travel cost and other incurred expenses)	Prices removed
Remote service Service including installation / implementation / configuration of Q-DAS software via remote session	
Development Special development, e.g. converter, functionalities, etc.	
Training on site (plus travel cost and other incurred expenses)	

NOTES

Concurrent licensing (network solution)

Installation on a central server is required. The number of purchased licences is set on this server. A maintenance contract is obligatory.

Plant licence

Valid for one plant or division with a workforce up to 300 employees per site. The number of installations is not restricted in the plant. We recommend you include a maintenance contract.

Interface packages

Find information at <http://www.q-das.de/en/interfaces/>.

Maintenance

The annual maintenance fee for single and plant licences amounts to 18% based on the currently valid price list.

Languages

Brazilian, Chinese, Czech, Danish, Dutch, English, French, German, Hungarian, Italian, Japanese, Korean, Polish, Romanian, Russian, Slovakian, Slovenian, Spanish, Swedish, Thai, Turkish

SHIPPING COSTS

	SOFTWARE	BOOKS AND POSTERS
Germany	from Price removed	from Price removed
European /non-European countries	from from	by weight
Asia	from	by weight

Actual costs depend on the total weight of the delivery and the country of destination.

TERMS OF PAYMENT AND DELIVERY CONDITIONS

Warranty: 24 months
Validity: delivery ex Weinheim plus shipping
Terms of payment: net without deductions on receipt of invoice

Our general conditions of use for software products apply. Please find our currently valid terms of business and use as well as general conditions for maintenance at <http://www.q-das.de/en/legal-notice-and-privacy-statement>.

Subject to change without notice, errors and typographical errors excepted.

¹ All Q-DAS software products support MS Access, SQL Express, MS-SQL and Oracle database systems; they include the integrated interface package IGF G (<http://www.q-das.de/en/interfaces/>).

² A client/server installation (concurrent) requires annual maintenance.

³ Installation by Q-DAS is required.

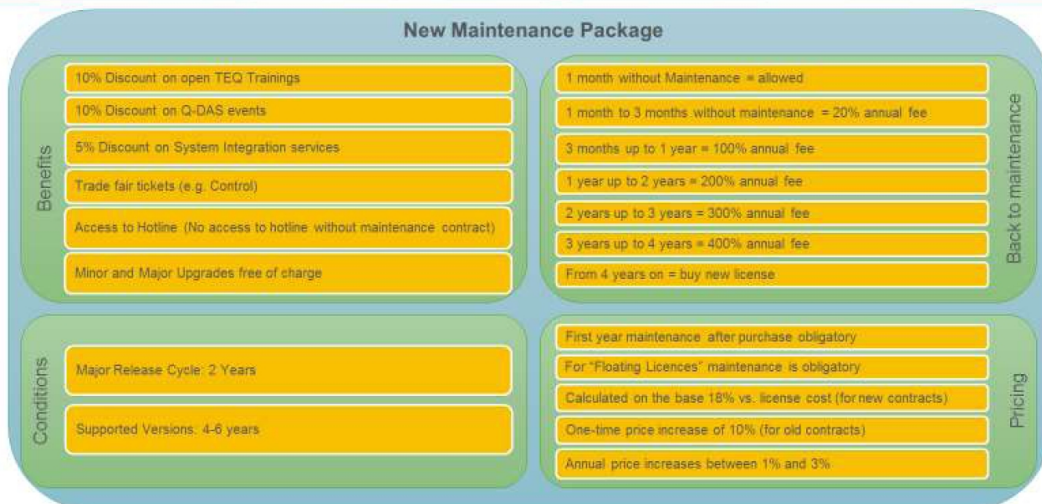
⁴ Licence fee and maintenance fee apply to each licence.

⁵ Package consists of 1 Core License, 10 Inspect Licenses, 1 ProductView License, 1 PlantView License, 1 qs-STAT License and 1 ProClient License.

⁶ Package consists of 1 ProductView License, 1 PlantView License and 1 qs-STAT License.

⁷ Required to add one additional factory to HxGN SMART Quality.

New Maintenance Package

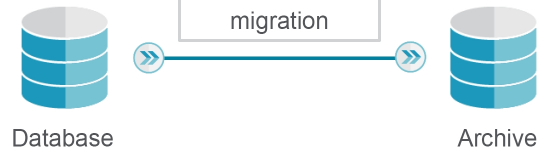


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Q-ARC

- Archiving of data pools from Q-DAS databases
- Long-time storage based on ASCII files
- Service jobs archive data cyclically and automatically
- Raise the performance of active databases



Contact

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Q-DAS \ Products

All Products



Q-DAS qs-STAT

Q-DAS qs-STAT

Process Qualification

Statistical software to evaluate production-relevant quality information for the analysis of processes and systems



Q-DAS solara.MP

Q-DAS solara.MP

Inspection Process

Statistical software to establish measurement process capability and test process capability



Q-DAS O-QIS

Q-DAS O-QIS

Real-time Visualisation

Statistical software for quality assessment incl. SPC, real-time visualisation, online alarm monitoring and alert function



Q-DAS PLV | PlantViewer

Q-DAS PLV

View of the equipment

Web-based software for a new view into quality data and quality aspects



Q-DAS RTM

Q-DAS RTM

Realtime monitoring

Web-based software for process monitoring directly from the database



Q-DAS IMC | Feedback

Q-DAS IMC

Intelligent Machine Control

Software to increase process capability through automatic infeed and correction directly on the machine tool



Q-DAS eMMA | MDM

Q-DAS eMMA

3D Measurement Data Management

Software to structure and manage 3D measurement data such as measurement plans, tolerances, measurement results and analysis sessions



Q-DAS M-QIS | Engine

Q-DAS M-QIS

Reporting System

Service loading and evaluating data cyclically and automated, generating and sending reports



Q-DAS M-QIS | Dashboard

Q-DAS M-QIS

Statistical Control Board

Management tool for the target-oriented processing of quality information enabling high transparency and continuous process improvement



Q-DAS procella

Q-DAS procella

Process Control

Statistical software for process control incl. recording of measured values manually or via interface and visualisation to identify trends



Q-DAS vidara

Q-DAS vidara

Design of Experiments

Statistical software for design of experiments, analysis of variance and regression as well as reliability analysis



Q-DAS destra

Q-DAS destra

Process Optimisation

Statistical package for process optimisation and process improvement by means of statistical tests and Shainin methods

